IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2271 OF 2006
IN
APPEAL (LDG.) NO.500 OF 2006
IN
SUIT NO.1586 OF 1982

Texmaco Ltd. ....Appellant
V/s.
Prakash Cotton Mills Pvt. Ltd. ....Respondents

Mr.F. D'vitre, Senior Counsel i/b Mulla & Mulla & C. B. & C. for the Appellant. Mr.Uday Bobde with Mr.Jitendra Ramagade i/b Mr.M. Subramanian for the Respondents.

CORAM : DR.S. RADHAKRISHNAN & S.J. VAZIFDAR, JJ.
DATED : 4TH AUGUST, 2006.

P.C. :

1. Heard the learned Senior Counsel for the Appellant and the learned counsel for the Respondents.

2. By this Notice of Motion, the Appellant is seeking the condonation of delay in filing the present Appeal on the ground that the Appellant first got the knowledge of the suit No.1586 of 1982 wherein an ex-parte decree was passed only on 12.5.2005 when the Notice under Order XXI Rule 22 of the Code of Civil Procedure, 1908 was served on the Appellant at its office. Thereafter it appears that the Appellant took

out the Notice of Motion to set-aside the ex-parte decree which also came to be dismissed on 21.4.2006. Immediately thereafter this Appeal has been preferred.

3. Having regard to the aforesaid facts and circumstances, we find sufficient cause is made out. There is no case of inaction, negligence or want of bona-fide on the part of the Appellant. Hence, the Notice of Motion is made absolute in terms of prayer clause (a). Place the above Appeal on board for admission on 17.8.2006.

(DR.S. RADHAKRISHNAN, J.)

(S.J. VAZIFDAR, J.)